



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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DOCUMENTS OBTAINED BY CITY ATTORNEY REVEAL MAYOR MISLED PUBLIC ABOUT LOANED EXECUTIVE'S ROLE IN ASSISTING SUNROAD ENTERPRISES EVADE FEDERAL AIR NAVIGATION SAFETY REGULATIONS

San Diego, CA: Documents obtained by the City Attorney's Office show that executive Ted Sexton, on loan to the City from the San Diego County Regional Airport Authority, flew to Texas on May 22, 2007, and met with the Federal Aviation Administration (FAA) to request that flight path modifications be implemented to accommodate Sunroad's 12-story Centrum 1 building. But as recently as last Thursday, June 7, 2007, Mayor Jerry Sanders told the news media that Sexton "was not brought on board to manage the Sunroad building issue."

The FAA has determined the 12-story building to be an air navigation hazard to pilots flying in and out of Montgomery Field in Kearny Mesa.

"In his first State of the City address the Mayor proclaimed that City Hall was corrupt and that the philosophy at City Hall was to 'delay, deny or deceive'. But now it appears the Mayor has not been truthful with the public," said City Attorney Aguirre. "We know now the meeting with the FAA was to help Sunroad Enterprises, a campaign contributor to the Mayor's election, evade federal law."

Yesterday afternoon, as documents requested by the City Attorney's Office were being turned over, the Mayor's Office released a memorandum to the City Council revealing for the first time the meeting with the FAA in Texas. The memo also stated that the FAA stood by its original demand that Sunroad Enterprises comply with its order.

Today at a news conference the City Attorney released the documents to the news media, which include e-mails, Power Point presentations, and correspondence that show the Mayor's Office has made misrepresentations to the media and public:

- March 2, 2007 letter from Mayor Sanders to San Diego County Regional Airport Authority Chairman Alan Bersin requests "that the Airport Authority assist us in analyzing the situation and in working with the FAA and other interested stakeholders in an attempt to resolve this issue." (Item #1)
- (MORE)

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FACT:

Almost a year earlier, on April 24, 2006, before the Sunroad Centrum I building was constructed to 180 feet, the FAA had already analyzed the situation and sent a notice stating the Sunroad building “is presumed to be a hazard to air navigation.” The Mayor’s Office was aware of this correspondence.

- March 12, 2007, letter from Bersin to Sanders, acknowledging the Mayor’s letter “in which you request assistance from the San Diego County Regional Airport Authority to help resolve issues surrounding the Sunroad Enterprises building near Montgomery Field.”...“The President/CEO of the Airport Authority, Thella Bowens, will assign our highest level executive with the necessary expertise on these issues to work with the City.” (Item #2)

FACT:

On June 7, 2007, the Mayor tells the news media that Sexton “was not brought on to manage the Sunroad building issue.” (Item#3)

- May 18, 2007, e-mail exchanges from Ted Sexton to FAA regarding his draft of “Hazardous Obstruction Elimination” which confirms FAA meeting on Tuesday, May 22 in Texas. (Item #4)

FACT:

On the same day, the Mayor held a news conference informing the news media that he had sent a letter to the FAA and the California Transportation Department regarding the Sunroad building, stating that the “City failed to stop work on the project and prevent the building from reaching 180 feet after it knew of the FAA’s concerns...” The Mayor further states, “my staff has put forward a proposal that will reduce the building height to 163 feet....I would encourage you to consider this proposal...” (Item #5)

Mayor Jerry Sanders, however, failed to disclose that City staff and loaned executive Sexton were 4 days away from presenting to the FAA in Texas a flight modification proposal that Sunroad had been advocating.

In addition, the Mayor announced that the “City’s Chief Operating Officer, Retired Admiral Ronne Froman, would conduct a thorough investigation into the permitting process for this project, including the City’s reaction, or lack thereof, to your concerns regarding the 180 foot height.” The Mayor, however, informed the media that he would not be investigating individuals, only the process.

The day before the Mayor’s news conference, City Attorney Aguirre sent a May 17, 2007, letter to Governor Schwarzenegger, asking him to request that the State Attorney General’s Office intervene on the Sunroad matter. (Item #6)

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- May 19, 2007-May 31, 2007, e-mails from Thomas Kamman to Ted Sexton regarding “Drawings” related to Sunroad, stating “I changed the height shown in Slide 9 to reflect the data shown on the Sunroad building drawings” as well as e-mails from Ted Sexton to FAA and Sunroad Officials. (Item #7)

FACT:

Thomas Kamman is Senior Partner at Williams Aviation and is a consultant to Sunroad. The Mayor has never informed the public or news media that Sunroad officials have been involved in the presentation to the FAA.

- Documents presented to the FAA and reviewed by Sunroad Enterprises: (Item #8)
 - 1) Power Point presentations made to the Federal Aviation Administration by City Staff and Ted Sexton
Air Navigation Hazard Elimination Proposal, Sunroad Centrum 12 Office Building
Presented by Jim Barwick, Director, Real Estate Assets, City of San Diego
Ted Sexton, Vice President, Regulated Operations, San Diego County Regional Airport Authority
City of San Diego
 - 2) Flight Safety Improvement at Montgomery Field Airport
Prepared for: Office of the Mayor
Prepared by: Real Estate Assets Department
 - 3) Air Navigation Hazard
Elimination Proposal
Sunroad Centrum 12 Office Building
San Diego, CA
Presented to FAA
Presented by: Jim Barwick, Director, Real Estate Assets, City of San Diego, CA
Ted Sexton, Vice President, Regulated Operations, San Diego County Regional Airport Authority
- June 7, 2007, Mayor’s Fact Sheet to the news media regarding the loaned executive program between the San Diego County Airport Authority and the City of San Diego. Fact Sheet states that Sexton “was not brought on board to manage the Sunroad building issue.” (See Item #3)

FACT:

After the City Attorney released the loaned executive agreement to the news media, the Mayor held a news conference. Although, the Airport Authority had its attorney sign the agreement, the City Attorney, whose Charter duty is to review all City agreements and contracts, had not been told about the document, nor ever asked to review it. (Item #9)

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The Mayor knowingly withheld essential facts at this news conference. He never disclosed that a presentation had been made to the FAA by Ted Sexton and City Official Jim Barwick in Fort Worth, Texas on May 22, 2007 regarding flight pattern modifications and Sunroad Centrum I building modifications, as well as that the FAA had refused to support such a plan.

On Friday, June 1, 2007, after a news article was published in the San Diego Union-Tribune regarding Sunroad Enterprises proposals to build another high-tower that violates FAA safety standards, the Mayor held a news conference denouncing Sunroad. (Item #10)

- June 11, 2007, Mayor's memorandum to the City Council regarding the Centrum 12 Office Building Update. The memo states that Sexton and the Mayor's staff had met with FAA officials to "discuss the various options that would be available to the City." In addition, the memo also reveals that the FAA "told the City's representatives that it would not support any intrusion into the airspace above 160 feet." The Mayor also claims that "Mr. Sexton was not brought on board to manage the Sunroad building issue." The letter also states that "the City Attorney was aware of the arrangement with the Airport Authority. This issue was discussed at a Rules Committee meeting in early April at which Deputy City Attorney Catherine Bradley was present. No objection was raised at the meeting..." (Item #11)

FACT:

The Mayor's memorandum was released at the same time the City Attorney received the requested documents related to Sexton.

For the first time, the Mayor reveals in the letter that Sexton met with the FAA, but did not disclose the meeting was held in Texas.

The letter also reveals for the first time that the FAA refused the Mayor's proposals to change the flight path in order to accommodate Sunroad.

In addition, the Mayor never sought advice from the City Attorney's Office regarding the executive loan agreement that the City had entered into with the Airport Authority on April 1, 2007. The City Charter requires the City Attorney to review all agreements and contracts. Although, Airport Chairman Alan Bersin mentions the agreement at the Rules Committee meeting of April 11, 2007, it was never noticed on the agenda for discussion.

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